

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF ePLUS INC'S OBJECTIONS TO DEFENDANT'S COUNTER  
DEPOSITION DESIGNATIONS, COUNTER-COUNTER DESIGNATIONS  
AND REVISED SUMMARY OF THE DEPOSITION OF  
WILLIAM R. YUHASZ AND VICKY M. WILLIAMS**

Plaintiff, *ePlus*, Inc. (“*ePlus*”), through counsel, hereby submits the following specific objections to Defendant Lawson Software, Inc. (“Lawson”)’s Counter-Deposition Designations of the deposition of William Yuhasz and Vicky Williams and offers the following counter-counter designations and revised summary:

**Specific Objections**

<b>Defendant's Counter Designations</b>	<b><i>ePlus's Objections to Defendant's Counter Designations</i></b>	<b><i>ePlus's Counter-Counter Designations</i></b>
17:5-7		
18:12-23	602	
23:23-24:9		
34:11-23	701	
35:4-13; 35:21-36:5; 36:24- 37:19	701; 106 (designation fails to include the entire question)	
69:4-23		
89:2-5		

<b>Defendant's Counter Designations</b>	<b><i>ePlus's Objections to Defendant's Counter Designations</i></b>	<b><i>ePlus's Counter-Counter Designations</i></b>
91:9-15	602	

### **Revised Summary**

Designated testimony relates to:

Mr. Yuhasz is the Director of Logistics Technology at Novant Health Inc. (“Novant Health”). (9:16-18) His duties include providing the functional support for the supply chain technology at Novant Health. (10:7-11)

Novant Health has been using Lawson’s ERP software since 1999. (12:6-12) The company began using Requisitions Self-Service approximately five years ago. (12:13-16) Novant Health also uses the Inventory Control and Purchase Order modules. (13:20-14:8)

The last upgrade to Requisitions Self-Service took place in December 2009. (16:21-25) Lawson did not assist in this upgrade. (17:5-7) The Lawson application technical team (which reports to Novant Health’s information technology department) handled the more technical aspects of installing the software, then the business users at Novant Health handled configuration and testing. (17:8-24) The entire implementation took approximately four months. (17:25-18:11) No Lawson employees assisted in this upgrade process. (18:12-17) Delivery of the upgrade was through the Lawson application team.<sup>1</sup> (18:18-23)

Novant Health has a maintenance agreement with Lawson that covers Requisitions Self-Service. (18:24-19:3) The maintenance agreement covers ongoing upgrades, annual maintenance, and support center from Lawson. (19:4-9) The support center includes both 24-hour online capability as well as a telephone bank. (19:10-14) Novant Health used both of these services for the implementation of Requisitions Self-Service. (19:17-19; 20:1-3) Novant Health also has access to Lawson’s online library of education materials, and has been provided with specific product guides on how to use Requisitions Self-Service. (20:4-21:1) Personnel from Lawson provided technical consulting and classroom training onsite at Novant Health with the initial implementation of Requisitions Self-Service approximately five years ago. (21:2-23; 56:2-5)

Of Novant Health’s estimated 13,000 employees, approximately 1,800 to 2,000 users have access to Requisitions Self-Service at Novant Health. (23:12-19; 23:23-24:9) Most of the products procured through Requisitions Self-Service are in the medical and surgical categories. (29:2-8) There are also environmental-service products (e.g., paper towels) and physician-preference items (e.g., implants). (103:14-104:1) There are approximately 70,000 to 80,000 active items in the Item Master from approximately 10,000 vendors that can be ordered through Requisitions Self-Service in the Novant Health System. (29:9-18; 101:23-102:23) Among the largest vendors and manufacturers for Novant Health are Owens & Minor and Johnson & Johnson. (105:18-106:5)

---

<sup>1</sup> Lawson contends that the following statement should be included: “Delivery of the upgrade is coordinated through Novant Health’s Lawson Application Team.” *ePlus* objects as the testimony provided from the witness was unclear. The witness testified that he could not answer the question. The witness also did not state that “Delivery of the upgrade is through Novant Health’s Lawson Application team.” Rather, the witness testified that delivery of the upgrade is “through the Lawson application team.”

The items available through Requisitions Self-Service have textual descriptions, part numbers, vendor or manufacturer numbers, images, pricing availability, inventory availability, and vendor information. (31:20-34:10; 104:6-105:3) Certain forms allow the user to search by vendor as one of the criteria. (32:25-33:5) The manufacturer provides pricing and description information for the items. (36:6-23) Novant Health obtains images from vendor's websites to use as the images for the items in Requisitions Self-Service. (161:5-22) Though the data used in the Requisitions Self-Service is originally provided by the manufacturer, which data are included in the Requisitions Self-Service is determined by Novant Health. (35:4-13; 35:21-36:5)

The Requisitions Self-Service application at Novant Health includes UNSPSC classification that allows users to search for items according to their UNSPSC codes. (84:18-85:20)<sup>2</sup> The UNSPSC classification permits users to find items from multiple vendors that have the same UNSPSC code. (85:13-17)

Delivery tickets generated by the Purchase Order module, include information on whether an ordered item was not available in inventory.<sup>3</sup> (68:4-70:25) If one requisition is created that includes items from two vendors, the Lawson S3 system will generate two separate purchase orders for the requisition corresponding to the two vendors. (155:14-155:25)

In 2009, Lawson and SciQuest submitted a response to a procure-to-pay request for proposal (RFP) from Novant Health. (71:11-72:2; 78:9-80:3) The RFP response stated that the solution proposed by Lawson and SciQuest would include the ability to import catalog data from suppliers. (85:25-86:12) In the response, Lawson stated that this is standard functionality offered to suppliers via their supplier portal. (86:13-16) The RFP response also stated that with the solution the user can search, find, and manage products via taxonomy and category searching and display. (86:22-87:22) The RFP response further stated that the solution would allow the user to search for the same item across multiple suppliers. (88:2-21) Novant had submitted the same RFP to ePlus, who provided Novant with information as to the functionality that ePlus could provide in accordance with the RFP requirements. (75:5-76:2)

Mr. Yuhasz and Ms. Williams provided a demonstration of the Lawson S3 system used at Novant Health. (42:7-22; 106:2-5; 107:8-19; 108:3-109:3; 109:9-113:24; 117:21-121:6; 123:8-125:11; 127:15-130:6; 130:19-137:21; 148:10-149:20; 150:9-151:19) Mr. Yuhasz demonstrated searching for items from different manufacturers (e.g., stents, paper towels, mops) and building

---

<sup>2</sup> Lawson contends that this sentence should read, "Though the feature is very rarely used, if used at all, the Requisitions Self-Service application at Novant Health includes UNSPSC classification that allows users to search for items according to their UNSPSC codes." ePlus objects because the witness' testimony on this point was speculation. He indicated that he was guessing the extent to which Novant users used this feature.

<sup>3</sup> Lawson contends that this statement should also include that the delivery ticket is also generated by data from the original user and the receiver of the product delivered. ePlus objects as the witness twice testified that the delivery ticket itself is generated by the Purchase Order module. The witness testified only that *the information* on the delivery ticket *comes from* the original user and the receiver of the product delivered.

requisitions for those items using Requisitions Self-Service. *Id.* Mr. Yuhasz demonstrated the search functionality of the “search catalog,” “categories,” and “shopping list” features within Requisitions Self-Service. *Id.* The categories in Requisitions Self-Service were associated with the UNSPSC taxonomy. *Id.*

Respectfully submitted,

/s/

---

Craig T. Merritt (VSB #20281)  
Henry I. Willett, III (VSB #44655)  
**CHRISTIAN & BARTON, LLP**  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
Telephone: (804) 697-4100  
cmerritt@cblaw.com  
hwillett@cblaw.com

Scott L. Robertson (admitted *pro hac vice*)  
Jennifer A. Albert (admitted *pro hac vice*)  
David M. Young (VSB#35997)  
**GOODWIN PROCTER LLP**  
901 New York Avenue, N.W.  
Washington, DC 20001  
Telephone: (202) 346-4000  
SRobertson@goodwinprocter.com  
JAlbert@goodwinprocter.com  
DYoung@goodwinprocter.com

Michael G. Strapp (admitted *pro hac vice*)  
James D. Clements (admitted *pro hac vice*)  
**GOODWIN PROCTER LLP**  
Exchange Place  
53 State Street  
Boston, MA 02109-2881  
Telephone: (617) 570-1000  
MSrapp@goodwinprocter.com  
JClements@Goodwinprocter.com

*Attorneys for Plaintiff, ePlus Inc.*

Dated: August 11, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11th day of August, 2010, I will electronically file the foregoing

**PLAINTIFF ePLUS INC'S OBJECTIONS TO DEFENDANT'S COUNTER  
DEPOSITION DESIGNATIONS, COUNTER-COUNTER DESIGNATIONS  
AND REVISED SUMMARY OF THE DEPOSITION OF  
WILLIAM R. YUHASZ AND VICKY M. WILLIAMS**

with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

Daniel McDonald, *pro hac vice*  
William D. Schultz, *pro hac vice*  
Rachel C. Hughey, *pro hac vice*  
Joshua P. Graham, *pro hac vice*  
Andrew Lagatta, *pro hac vice*  
Merchant & Gould P.C.  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone: (612) 332-5300  
Facsimile: (612) 332-9081  
[lawsonscrvicc@merchantgould.com](mailto:lawsonscrvicc@merchantgould.com)

Robert A. Angle (VSB# 37691)  
Dabney J. Carr, IV (VSB #28679)  
Troutman Sanders LLP  
P.O. Box 1122  
Richmond, VA 23218-1122  
Telephone: (804) 697-1238  
Facsimile: (804) 698-5119  
[robert.angle@troutmansanders.com](mailto:robert.angle@troutmansanders.com)  
[dabney.carr@troutmansanders.com](mailto:dabney.carr@troutmansanders.com)

*Counsel for Defendant Lawson Software, Inc.*

/s/  
David M. Young (VSB #35997)  
**GOODWIN PROCTER LLP**  
901 New York Avenue, N.W.  
Washington, DC 20001  
Telephone: (202) 346-4000  
Facsimile: (202) 346-4444  
[dyoung@goodwinprocter.com](mailto:dyoung@goodwinprocter.com)